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4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT TACOMA

7 ANTOLIN ANDREW MARKS,

8 Plaintiff,

9 v.

10 JOHN AND JANE DOES, et al.,

11 Defendants.

No. C09-5489 RJB/KLS

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

12 The Court, having reviewed the Report and Recommendation of Magistrate Judge Karen
13 L. Strombom, objections to the Report and Recommendation, if any, and the remaining record,
14 does hereby find and **ORDER:**

- 15 1) The Court **ADOPTS** the Report and Recommendation (Dkt. 21).
16 2) Defendants' motion to dismiss (Dkt. 14) is **GRANTED** as to Defendants
17 Napolitano and Holder because the only relief sought against Defendants Napolitano and
18 Holder is for injunctive relief. They are **dismissed** from this lawsuit.
19 3) Defendants' motion to dismiss based on failure to comply with all requirements of
20 the Federal Tort Claim Act (Dkt. 14) is **DENIED**.
21 4) The Clerk is directed to send copies of this Order to Plaintiff, counsel for
22 Defendant and to the Hon. Karen L. Strombom.

23 **DATED** this 2nd day of March, 2010.

24 

25 ROBERT J. BRYAN
26 United States District Judge